

REMARKS/ARGUMENTS

Claims 1, 3-5, 8, 10-15, 17-19 and 21 have been amended. Claims 2, 9, 16 and 20 have been canceled. New claims 22-25 has been added. No new matter has been added, and support for new claims 22-25 can be found at least at paragraph 0036 and Fig. 11 of the Specification. Hence, after entry of this Amendment claims 1, 3-8, 10-15, 17-19, 21 and 22 are pending.

Objection of the Abstract

The abstract has been amended to be limited to 150 words as required by MPEP § 608.01(b). No new matter has been included by this amendment to the Abstract. Accordingly, Applications respectfully request that the objection to the Abstract be withdrawn.

Rejection under 35 U.S.C. §112, second paragraph

Claims 1-21 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The Office Action states that claims 1-7 are rejected for being directed to a method of facilitating, but no facilitating step is claimed. Applicants respectfully disagree with the Office Action's assertion. Specifically, Applicants respectfully submit that the preamble of claim 1, "method of facilitating e-commerce transactions" refers to the method steps collectively. As such, the facilitating is accomplished collectively by the method steps of claim 1 carried out together. Thus, no individual "facilitating" step is required. Furthermore, MPEP § 211.02 states that "a claim preamble has the import that the claim as a whole suggests for it." Therefore, as stated above the method steps "as a whole" are "facilitating." As such, Applicants respectfully request that the rejection of claim 1-7 be withdrawn.

The Office Action further states that claims 8-18 are vague for reciting a "system." Applicants have amended claims 8-18 to replace "system" with "apparatus." Accordingly, Applicants respectfully request that the rejection of claim 8-18 be withdrawn.

Rejection under 35 U.S.C. §102(a), Kansuka

Claims 1-21 are rejected under 35 U.S.C. §102(a) as being anticipated by Kansuka et al. JP2002-109419 (hereinafter "Kansuka").

Applicants respectfully submit that Kansuka discloses "settlement means for electronic commerce on the Internet which is used by consumers." Kansuka further discloses that "when an application for settlement is entered and a processing event is issued on the purchaser's computer, settlement and information on transaction details are forwarded to a settlement accepting server of the specified financial institution." (See Kansuka at Abstract).

In contrast, claim 1 and similarly claims 8, 15 and 19 recite "detecting whether an account system of a financial institution is available, wherein the account system is where the end user has an account that is appointed for settlement of the settlement request; if it is detected that the account system is available, executing a settlement procedure by the account system; [and] if it is detected the account system is unavailable, executing an automatic financing procedure." (emphasis provided). While Kansuka discloses settling a settlement request with a settlement accepting server, Kansuka fails to teach or suggest settling through financing when the settlement accepting server (or accounting system) is unavailable (see claim 1). Thus, the method of claim 1 is able to settle settlement requests 24-hours a day (i.e., even when the accounting system is unavailable), whereas Kansuka is merely able to settle settlement requests when the settlement accepting server is available (i.e., during regular business hours).

Accordingly, for at least this reason, Applicants respectfully request that the rejection of claim 1 and similarly claims 8, 15 and 19 be withdrawn. Furthermore, dependent claims 3-7, 10-14, 17-18 and 21 depend from independent claims 1, 8, 15 and 19, respectively, thus at least by virtue of their dependence on an allowable independent claim, Applicants submit that claims 3-7, 10-14, 17-18 and 21 are also allowable.

Appl. No. 10/646,215
Amtd. dated December 4, 2007
Reply to Office Action of September 4, 2007

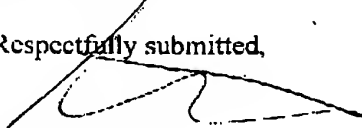
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CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400.

Respectfully submitted,


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